

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH HAIRSTON,
Petitioner,

v.

LOUIS FOLINO, et al.,
Respondents.

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Civil Action No. 12-313

O R D E R

AND NOW, this *6th* day of *November* 2012, after the petitioner, Kenneth Hairston, filed a motion to alter or amend the Court's judgment of June 4, 2012, and after the petitioner submitted an amended petition for a writ of habeas corpus, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the parties were accorded an opportunity to file written objections thereto, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petitioner's motion to alter or amend judgment (ECF 12) is granted; that the amended petition of Kenneth Hairston for a writ of habeas corpus (ECF 16) is granted; and that the Commonwealth is directed to reinstate the petitioner's appellate rights in the Pennsylvania appellate courts.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a

notice of appeal as provided by Rule 3 F.R.App.P.


United States District Judge

cc: Counsel of Record